Remarks

Claim 31 is pending in the subject application. By this Amendment, Applicants have added claim 48. Support for the amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 31 and 48 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants have submitted with this Amendment formal Figures 12, 17A, and 20 in response to the Notice of Draftsperson's Patent Drawing Review. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

The Examiner has indicated that the title of the invention is not descriptive and that a new title is required that is clearly indicative of the invention to which the claim is directed. Applicants have amended the title of the invention to "METHODS FOR IDENTIFYING GENOMIC REGIONS HARBORING A GENE ASSOCIATED WITH A DETECTABLE TRAIT." Accordingly, reconsideration and withdrawal of this objection is respectfully requested

Claim 31 is rejected under the judicially created doctrine of "obviousness-type" double patenting over claim 30 of U.S. Patent No. 6,291,182. Applicants respectfully assert that the claim is not obvious over the cited patent. However, in order to expedite prosecution of the subject application, Applicants have submitted a Terminal Disclaimer with this Amendment which obviates this rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 31 is rejected under 35 U.S.C. § 102(a) as anticipated by Yagil *et al.* (1998). The Examiner asserts that the reference discloses a method for mapping the chromosome by random screening to determine the genes responsible for the trait hypertension, which is measured by blood pressure. Applicants respectfully assert that the Yagil *et al.* reference does not anticipate the claimed invention and traverse.

As the Patent Office is aware, each an every element of the claimed invention must be taught by a reference in order to establish a case of anticipation. Applicants respectfully submit that Yagil *et al.* fail to teach a plurality of biallelic markers (biallelic single nucleotide polymorphisms as defined in the subject specification at page 8, line 28) that are associated with hypertension. Rather, the reference teaches microsatellite markers that are associated with salt susceptibility. As indicated

in the subject specification (and generally recognized in the art), microsatellites are small arrays of tandem repeats of simple sequences (di-, tri-, tetra-nucleotide repeats) that exhibit a high degree of length polymorphism (see page 8, lines 1-24, especially lines 9-15). This is contrasted with biallelic markers that are defined as "a biallelic single nucleotide polymorphism that may include a single base substitution, insertion or deletion (see page 8, lines 25-29). Thus, Applicants assert that Yagil *et al.* fail to anticipate the claimed invention since the reference fails to teach single polynucleotide polymorphisms that are associated with salt susceptibility. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a) is respectfully requested.

Applicants further note that Yagil *et al.* makes use of inbred animals having very similar genotypes. As the reference indicates, the two major genetic models are available for studies of salt sensitivity and salt resistance are inbred rat strains derived from the original Dahl and Sabra colonies (sentence bridging columns 1-2, page 119). Applicants draw the Examiner's attention to page 120, left column, of Yagil *et al.* wherein the rats were obtained by crossing two males with seven females and then crossing again this resulting progeny (page 120, column 1, "Methods", first two paragraphs). Thus, the animals used in the study were related to one another by virtue of the methods by which the animals were bred. Applicants respectfully submit that newly presented claim 48 differs from the teachings of Yagil *et al.* by way of: 1) the use of a plurality of biallelic markers (single nucleotide polymorphisms) [as compared to Yagil's use of microsatellite markers]; and 2) the use of unrelated individuals in the practice of the claimed method. Thus, it is respectfully submitted the Yagil *et al.* also fails to anticipate newly presented claim 48.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claim, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Frank C. Eisenschenk, Ph.D.
Patent Attorney
Registration No. 45,332
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

FCE/sl
Attachments: Formal Figures 12, 17A, and 20
Terminal Disclaimer